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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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11.20.03
Walden

APPELLANT: Wolfgang THIEL CONFIRMATION NO. 1989
SERIAL NO.: 09/527,138 GROUP ART UNIT: 3629
FILED: March 16, 2000 EXAMINER: R. S. Woo
TITLE: "METHOD AND ARRANGEMENT FOR ENTERING
CONTENTS OF A FRANKING IMPRINT INTO A POSTAGE
METER MACHINE"

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §1.193(b)(1)

S I R:

In response to the Answer filed by the Examiner on October 21, 2003 in connection with the appeal of the above-referenced Application, Appellant herewith submits his reply brief. This reply brief provides Appellant's responses to the items addressed by the Examiner in the Response to Argument section of the Answer, beginning at page 4.

Initially, however, Appellant notes that the Examiner in section (2) at page 2 of the Answer stated that the Appellant's Brief did not contain a statement identifying related appeals and interferences. In fact, such a statement is clearly presented at page 1 of the Appeal Brief.

Appellant's position regarding the items noted by the Examiner beginning at page 4 of the Answer is as follows.

Appellant stated in the appeal brief at page 13, lines 1-2 that the Vanpoucke reference did not disclose when or how data are entered into the file memory 2. In response, the Examiner stated such data entry must take place at the location of the

manufacturer, because the user of the system does not enter such data into the memory, and therefore the manufacturer must enter the data into the memory to enable the user to operate the system. Appellant agrees this is one possibility as to how the data are entered into the memory 2 in the Vanpoucke reference, however, as explained in the Appeal Brief, it is also known for a postage meter to leave the manufacturer with no country-specific or carrier-specific data at all contained in the main memory, and such data are subsequently entered by an authorized dealer (distributor) of the manufacturer, either at the dealer's facility or at the customer site at the time of delivery to the customer. For a manufacturer who sells products in different countries, this means that meters that are supplied from the manufacturer to a dealer in the United States, for example, will then be configured by that dealer so that the printed postal imprint conforms to the requirements of the U.S.P.S. Meters for use in Germany will be delivered to a dealer in Germany who will configure the meters so as to print an imprint that conforms to the requirements of the German postal authority. The Vanpoucke reference provides no teachings regarding how the data for configuring the postal imprint are entered into the meter, but this does not compel the conclusion that the data entry must necessarily take place at the manufacturer. Data entry at the manufacturer is only one of at least two known techniques. Appellant agrees with the Examiner, however, that the data entry for configuring the postal imprint is not undertaken by the customer.

Next, the Examiner addressed Appellant's argument that there is no teaching in the Vanpoucke reference that any of the data in the memory 2 relates to configuring the franking imprint so as to be appropriate for a specific country carrier or a specific country. In response, the Examiner cited in column 3, lines 2-5 and 65-

68, column 4, lines 25-31 and column 6, lines 9-19 of the Vanpoucke reference as supporting the Examiner's conclusion that the interface in Vanpoucke must control the system to configure and print the franking imprint corresponding to a specific carrier or a country. In response, Appellant acknowledges that the Vanpoucke reference must include data in the aforementioned memory 2 which set or define the format of the franking imprint to conform to the requirements of whatever country the meter will be used in. In stating that the Vanpoucke reference does not teach that any of the data in the memory 2 relates to *configuring* the franking imprint so as to be appropriate for a specific carrier or a specific country, Appellant meant that the Vanpoucke reference does not teach that any of the data in the memory 2 can be selected (for configuring the franking imprint) from among data for a number of different countries and data for a number of different carriers, so as to be appropriate for a specific carrier or a specific country. The data stored in the memory 2 in the Vanpoucke reference are simply entered once and are appropriate for one country or one carrier. There is no selection possibility in the Vanpoucke reference, as set forth in claims 1 and 9 on appeal, which specifically require storage of *different* carrier-specific data and storage of *different* country-specific data. In order to have the possibility of selecting from among such *different* country-specific data and selecting from among such *different* carrier-specific, such different data must be stored in the first place. The Vanpoucke reference does not provide any teaching that data other than data for one specific country or data for one specific carrier are stored. This presents the problem discussed in the original specification and in the Appeal Brief, that the manufacturer must keep in inventory a number of different franking

machines with different data respectively stored therein, for as many different countries as the manufacturer distributes to.

Next, in response to Appellant's argument that there is no connection taught in the Vanpoucke reference between the memory and the postage meter allowing configuration of the postage imprint that is printed by the meter, the Examiner stated the interface 20 in the Vanpoucke reference provides data interchanges between the programmed control unit and the set of memories, and the control unit, the postage meter and scale are directly connected via a bus. Appellant acknowledges that the connection noted by the Examiner is present, however, as stated in the Appeal Brief there is no teaching in the Vanpoucke reference that data for configuring the postage imprint are transmitted from the memory to the meter via this connection. In the Appeal Brief Appellant cited passages in the Vanpoucke reference teaching that the transmitted data are only for the purpose of printing certain types of documents, such as invoices or bills of lading, and there is no teaching that such data have anything to do with printing the postage imprint.

Lastly, the Examiner stated that the features on which Appellant relies (*i.e.*, configuring the franking imprint for a particular country means arranging all of the individual items in the franking imprint in a manner that conforms to the postal regulations for a particular country) are not recited in the rejected claims. Appellant agrees that such a definition is not set forth verbatim in the claims on appeal, but this is the normally understood meaning of the term "configuring the franking imprint" which those of ordinary skill in the art employ on a day-to-day basis. If "configuring the franking imprint" does not mean arranging all of the individual items therein in a manner that conforms to the postal regulations for a particular country or for a

particular carrier, then Appellant does not know what other meaning the phrase "configuring the franking imprint" could have. Appellant is entitled to use words and terms in a manner that is consistent with their normally understood dictionary definition or their normally-understood usage in the relevant technology. If it were necessary to explicitly in the claim language expand upon the meanings of these well-understood terms, this would result in the claims becoming unnecessarily verbose and more difficult, rather than less difficult, to understand.

In summary, to distinguish the claims on appeal over the teachings of the Vanpoucke reference, it is sufficient to note that the Vanpoucke reference does not provide any teaching or suggestion to store different country-specific data and/or different carrier-specific data in a memory of the apparatus or system. This is the fundamental pre-requisite for all of the subsequent method steps in claim 1 and all of the additional structure in claim 9 to have any utility whatsoever. The Vanpoucke reference teaches storing data for one and only one country or data for one and only one carrier. Therefore, in the Vanpoucke reference there is not even the possibility of selecting from among different country-specific data or selecting from among different carrier-specific data, because there is no need for such a selection when data are stored, as in Vanpoucke, for only one country or for only one carrier.

Reversal of the rejection of claims 1-9 is therefore respectfully requested.

Submitted by



(Reg. 28,982)

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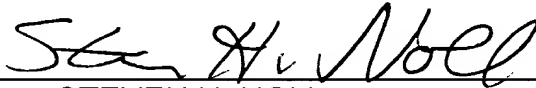
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CERTIFICATE OF MAILING

I hereby certify that an original and two copies of this correspondence are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on November 11, 2003.

A handwritten signature in black ink, appearing to read "Steven H. Noll", is written over a horizontal line.

STEVEN H. NOLL

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